

## **REMARKS**

Claims 105-121 are pending in this application. Claims 119-121 have been withdrawn due to restriction. Claims 105-118 have been rejected. Claims 105 and 115 are amended in this response.

### **Rejections under 35 U.S.C. § 112, second paragraph**

Claims 105-118 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office states:

In the instant case, the structural relationship between the layers is unclear. Also, a distinction would appear to be necessarily drawn between the expansion layer and the adhesive layer because it is disclosed by the instant specification and the prior art that the expansion layer has adhesive qualities.

(Paper No. 10, pp. 3-4).

Applicants have amended independent claim 105 and dependent claim 115 to clarify the metes and bounds of the claimed subject matter to overcome the section 112, second paragraph, rejection. In particular, applicants have amended independent claim 105 to provide a more-definite structural relationship between the adhesive layer and the expansion layer. The amended claim now recites that the adhesive layer is an outer layer and that it is coupled to one side of the expansion layer. Additional claim language places the adhesive layer between the sample and the expansion layer. Given these claim amendments, applicants believe that the section 112, second paragraph, rejection has been overcome.

With respect to dependent claim 115, applicants have amended this claim such that it now recites the retraction layer being located between the adhesive layer and the expansion layer. The claim language is now believed to afford adequate structural relationship between the layers in order to overcome the section 112, second paragraph, rejection and action toward that end is earnestly solicited.

With respect to an adequate distinction between the expansion layer and the adhesive layer, applicants have amended independent claim 105 to clarify the distinction between the expansion layer and the adhesive layer. In particular, even though both layers may possess adhesive qualities, it is only the adhesive layer that adheres to the sample. The expansion layer as set forth in the claim absorbs energy to expand and move the adhesive layer towards the sample. The de-coupling of the functions is one advantage of the present invention. By separating one or more of the functions into separate layers within the transfer film, the performance of the transfer film is increased by optimizing the materials, thicknesses, and energy absorption properties selected to perform each function. Specification, pg 9, lines 17-28.

For the above reasons, applicants believe that all the bases for rejection under section 112, second paragraph, have been overcome.

**Rejections under 35 U.S.C. § 102(a, b, e)**

Claims 105 and 107 have been rejected under 35 U.S.C. §102(a, b, e) as being anticipated by U.S. Patent No. 5,139,831 to Mueller (hereinafter “Mueller”) or by U.S. Patent No. 4,857,399 to Vicik (hereinafter “Vicik”). In particular, the Office states:

Mueller and Vicik both teach films which comprise a polymer layer (same as applicant’s expansion layer) and an adhesive. The references anticipate the claim subject matter.

(Paper No. 10, pg. 3). Applicants traverse this rejection.

A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference. MPEP §2131. Applicants believe that not all limitations in the claims as currently amended are anticipated by Mueller or Vicik. For example, the adhesive layer of the present invention is structurally coupled to one side of the expansion layer and the adhesive layer is structurally positioned as an outer layer. In contrast, the adhesive layer in Mueller is located between an interior layer and an outer layer. Also, in contrast to the present invention, the adhesive layer in Vicik is located between the meat

contact layer and the barrier layer. Because Vicik and Mueller do not disclose, teach or suggest an outer adhesive layer coupled to one side of an expansion layer, Vicik and Mueller do not anticipate the claims.

In addition, the expansion layer of the present invention is adapted to absorb energy and to expand to exert a force on the adhesive layer such that the adhesive layer deflects towards a selected portion of the sample. Mueller or Vicik does not disclose, teach or suggest this claim limitation. For at least these reasons, applicants believe that the present invention as claimed is not anticipated by Vick or Mueller and is, therefore, believed to be in a condition for allowance.

In view of the foregoing remarks, applicants respectfully submit that the application is in a condition for allowance, and action toward that end is earnestly solicited. If it is determined that a telephone conversation will expedite prosecution of this application, the Examiner is requested to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time.

Respectfully submitted,

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